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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,881	09/27/2005	Hugo Johan Cornelissen	NL030300US1	1545

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER
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HEYMAN, JOHN S

ART UNIT	PAPER NUMBER
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2871

MAIL DATE	DELIVERY MODE
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03/25/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/550,881	<b>Applicant(s)</b> CORNELISSEN, HUGO JOHAN	
	<b>Examiner</b> JOHN HEYMAN	<b>Art Unit</b> 2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-20 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, this claims recites a "means for alternating between illumination of the first and second light sources...", and then in the last clause specifies that the first and second light sources are *simultaneously* illuminated (emphasis) which is self-contradictory. That is, there can no means to alternately illuminate and at the same time, simultaneously illuminate. There must be structure recited (like in Claim 13) that causes this function. Amendment is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3-8, 14-17, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Oda et al.(Oda – US 2003/9963234). Looking at Figs. 1 and 6 of Oda, and comparing them with Claims 1 and 17, a display panel (para. 5), light redirection element 15, light guide 11, a first light source 12 (left), a second light source 12 (right), each coupling light to light guide 11 in first and second directions respectively, wherein light redirection element 15 has a first groove structure 15a structure having a first

Art Unit: 2871

longitudinal axis and light guide 11 has a second groove structure 11 b having a second longitudinal axis which faces the first groove structure and are parallel therewith to thus anticipate the limitations recited in Claims 1 and 17.

4. Regarding Claims 3-8 note Figs. 1 and 6 which show first and second groove structures 15a and 11b arranged in opposed configuration as recited in Claim 3; that the first groove structure 15a is a prism structure with a substantially triangular cross-section to meet Claim 4; and the angle joining the sides of prism 15a is between 50 and 70 degrees (para. 48) to meet the range of between 10 and 70 degrees recited for this angle in Claim 5; that the second groove structure 11b is a prism structure with substantially triangular cross-section to meet Claim 7; and that the angle of the second groove structure is between 160 to 178 degrees (para. 38) meet the range of 150 to 179 degrees recited for this angle in Claim 8. See Fig. 6.

5. Regarding Claims 14-16, 19 and 20, note that light sources 12 are cold cathode lamps (para 64) as recited in Claim 14; that the display panel is an LCD panel (para. 5) to meet Claim 15; that the groove structures would inherently extend in a direction substantially perpendicular to rows in an LCD structure to meet Claim 16; and that the limitations recited in Claims 19 and 20 are the same as those recited in Claims 4-8 rejected above, and are therefore, similarly rejected. See the rejections for Claims 4-8 above.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 9-11, 18 and insofar as definite, 12, are rejected under 35 U.S.C. 103(a) as being unpatentable over Oda, cited above as applied to claims 1 above, and further in view of Baba (JP 2001-066547, of record). Not shown by Oda is a means for alternately illuminating first and second sources 12 of Oda. Baba shows this feature with means 7 which alternately illuminates light sources 2a and 2b in Fig. 1 therein, and, is disclosed in paragraph 23 in the translation of this reference. It would have been obvious to apply the teaching of Baba in Oda for the reason given in Baba, namely, to provide for three dimensional display (para. 23) to thus directly meet the limitations of Claims 2, 9 and 10, 12 (insofar as definite) and 18, while the limitation of Claim 11 is obvious in Baba since the images disclosed for the left and right eyes in Baba would correspond respectively to first and second users, each seeing different images from a single display device as recited (para 23 again).

***Allowable Subject Matter***

8. Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: None of the prior art of record or uncovered to date shows the feature of providing 3-D and 2-D images in a common display with a switch to switch between the two types of images in combination with illuminating first and second light sources either alternately or simultaneously to achieve respectively 3-D and 2-D images. Thus, Claim 12 herein if rewritten to include the limitation of Claim 13 would be allowable, and at the same time, cure the technical deficiency defect (35 USC 112 rejection) of Claim 12.

### ***Conclusion***

### ***Response to Arguments***

10. Applicant's arguments (Final Rejection Response of 12/21/2007) with respect to these claims based on the reference Ida et al (US 6,799,859) has been considered but are deemed moot in view of the new ground(s) of rejection based on the reference to Oda et al, cited above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN HEYMAN whose telephone number is (571)272-5730. The examiner can normally be reached on 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on 571- 272-1787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2871

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. H./

Examiner, Art Unit 2871

/Andrew Schechter/

Primary Examiner, Art Unit 2871